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EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,730

Applicant(s)

MIYAZAKI ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-23 and 25-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 13-17, 19-23, 25-31, 33-37, 39-45 is/are rejected.
- 7) ☒ Claim(s) 12, 18, 32 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to communication received on 8/14/06 in which claims 1-3, 5-23 and 25-45 are pending.

Response to Arguments

2. As per claim 44, Applicant's arguments with respect to the 35 U.S.C. 112, first paragraph have been fully considered and are persuasive. The rejection has been withdrawn.

3. As per claims 1, 2, 3, 6, 9, 21, 22, 23, 26, 29 and 43, Applicant's arguments have been fully considered but they are not persuasive. Applicant submitted that their claimed "digital camera device" is not analogous to the "server" taught by Burman and maintained that Burman teaches a data flow that is directly opposite from the data flow from camera to website. The Office recognizes that references cannot be arbitrary combined and that there must be some reason why one skilled in the art would be motivated to make a combination of primary and secondary references. In response to applicant's argument that Burman et al and Shieh are nonanalogous arts, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). References are evaluated by what they suggest to one versed in the art, rather than by their specified disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. It has been held that a mere reversal working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167. It has been held to

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be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In *re Leshin*, 125 USPQ 416. In this case, the Office is using Yano as the principal reference to teach the frame of the claimed invention which the data transfer operation from a source device (digital camera device) to a destination device. Burman et al and Shieh are used as second and third references only to teach the transfer manager component of the claimed invention. Therefore, Burman et al and Shieh do not teach away from the presently claimed invention. Furthermore, In response to applicant's argument that Burman et al and Shieh et al are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Furthermore, Applicant argues that the submitted claims teaches a data transfer that is "initiated and controlled" by the source device. The applicant is reminded of the clear difference between reading the claims in light of the specification and reading limitations of the specification into the claims. Applicant cannot rely on the specification to impart to the claims limitation not recited therein. Such reliance is ineffective to define over the prior art. In *re Lundberg*, 244 F2d 543, 113 USPQ 530 (CCPA 1957).

4. As per dependent claims 5 and 25, Applicant argues that Burman fails to teach a data size value, an option manager, or a data editor. However, Burman clearly teaches the ability to determine transfer time for data, files, etc. sent or transmitted between devices connected to a computer network and the bandwidth between the devices, and the bandwidth for users

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connected to the computer network. For example, with the apparatus and method of the present invention, the transfer time for a file to be sent from the ad selection server 32 or the media server to the computer via the computer network can be determined and used in the selection or configuration of files, banners, content, web pages, executable software, email, images, etc. to be delivered or served to the computer.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 21-29, 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S Patent Application No. 2003/0037158 to Yano et al in view of U.S. Patent Application No. 2001/0010059 to Burman et al and further in view of U.S. Patent No. 6,065,059 to Shieh et al.

a. As per claims 1, 21, 42 and 43, Yano et al teaches a computer-readable medium comprising program instructions for transferring data by performing the steps of: transferring data from a source device to a destination device through a communication path during said data transfer operation, said source device being implemented to include a digital camera device (See page 3, paragraph [0054] and figure 7, A camera server which transfers video data captured by a camera to a client via a network); However, Yano et al fails to teach determining a transfer duration for said data transfer operation by using a transfer manager of said source device; and

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providing said transfer duration to a system user of said source device for interactively managing said data transfer operation (See page 4, paragraph [0035]).

Burman et al teaches a significant feature of the present invention is the ability to determine transfer time for data, files, etc. sent or transmitted between devices connected to computer network and the bandwidth between the devices, and the bandwidth for users connected to the computer network. The transfer time for a file to be sent from the ad selection server 32 or the media server 38 to the computer 24 via the computer network 22 can be determined and used in the selection or configuration of files, banners, content, web pages, executable software, email, images, etc. to be delivered or served to the computer 24 (See page 4, paragraph [0035]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate determining a transfer duration for said data transfer operation by using a transfer manager of said source device; and providing said transfer duration to a system user of said source device for interactively managing said data transfer operation and wherein said transfer manager provides transfer options on a user interface of said source device, said system user interactively manipulating said transfer data using said transfer options to thereby change said transfer duration into an acceptable time period under current transfer conditions as taught by Burman et al in the claimed invention of Yano et al in order to collect information regarding bandwidth of a computer network and to determine bandwidth between two devices (See page 3, paragraph [0017-0018]). However, Yano et al in view of Burman et al fails to teach wherein the transfer manager is a transfer manager of said source device.

Shieh et al teaches the transfer manager is a transfer manager of said source device.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the transfer manager is a transfer manager of said source device as taught by Shieh et al in the claimed invention of Yano et al in view of Burman et al in order to provide greater user control in the process of transferring data (See col. 2, lines 54-56).

b. As per claim 2 and 22, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. Furthermore, Yano et al teaches wherein said source device is implemented to include a digital camera device with at least one of a processor, a display, one or more input/output interfaces, a memory, and a user interface (See page 3, paragraph [0054] and figure 7).

c. As per claims 3 and 23, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. Furthermore, Yano et al teaches wherein said transfer data includes digital image data, said communication path being coupled to an Internet network, said destination device including an image station website that is coupled to said Internet network (See page 2, paragraph [0031-0035]).

d. As per claims 5 and 25, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. However, Yano et al fails to teach wherein said transfer manager includes a bandwidth monitor for determining a current transfer speed for said data transfer operation, a calculation module for determining a data size value corresponding to said transfer data, and for calculating said transfer duration using said data size value and said

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current transfer speed, an option manager for controlling transfer options to interactively manipulate said transfer data, a data editor for altering said transfer data, and stored transfer parameters that include said data size value, said current transfer speed, and said transfer duration (See page 4, paragraph [0035]).

Burman et al teaches wherein said transfer manager includes a bandwidth monitor for determining a current transfer speed for said data transfer operation, a calculation module for determining a data size value corresponding to said transfer data, and for calculating said transfer duration using said data size value and said current transfer speed, an option manager for controlling transfer options to interactively manipulate said transfer data, a data editor for altering said transfer data, and stored transfer parameters that include said data size value, said current transfer speed, and said transfer duration (See page 4, paragraph [0035]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said transfer manager includes a bandwidth monitor for determining a current transfer speed for said data transfer operation, a calculation module for determining a data size value corresponding to said transfer data, and for calculating said transfer duration using said data size value and said current transfer speed, an option manager for controlling transfer options to interactively manipulate said transfer data, a data editor for altering said transfer data, and stored transfer parameters that include said data size value, said current transfer speed, and said transfer duration as taught by Burman et al in the claimed invention of Yano et al in order to collect information regarding bandwidth of a computer network and to determine bandwidth between two devices (See page 3, paragraph [0017-0018]).

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e. As per claims 6 and 26, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. Furthermore, Yano et al teaches wherein said source device includes one or more input/output interfaces that communicate with at least one of a distributed computer network, an Internet network, a host computer, a cellular telephone network, one or more user interfaces, a wireless communications network, and one or more removable storage media devices (See page 3, paragraph [0054] and figure 7).

f. As per claims 7 and 27, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. However, Yano et al fails to teach wherein said source device includes a user interface presented by a user interface module and a display manager on a local display device, said user interface displaying a visual representation corresponding to said data transfer operation, said visual representation including a transfer data size field, a transfer speed field, a transfer time field, and one or more transfer option fields for interactive transfer optimizations performed by said system user.

Burman et al teaches wherein said source device includes a user interface presented by a user interface module and a display manager on a local display device, said user interface displaying a visual representation corresponding to said data transfer operation, said visual representation including a transfer data size field, a transfer speed field, a transfer time field, and one or more transfer option fields for interactive transfer optimizations performed by said system user (See page 9).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said source device includes a user interface presented by a user

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interface module and a display manager on a local display device, said user interface displaying a visual representation corresponding to said data transfer operation, said visual representation including a transfer data size field, a transfer speed field, a transfer time field, and one or more transfer option fields for interactive transfer optimizations performed by said system user as taught by Burman et al in the claimed invention of Yano et al in order to determine transfer time for data, files, etc. sent or transmitted between devices connected to a computer network and the bandwidth between devices (See page 4, paragraph [0035]).

g. As per claims 8 and 28, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. However, Yano et al fails to teach wherein said one or more transfer option fields include at least one of a perform transfer option, a cancel transfer option, a postpone transfer option, a change transfer-mode option, and an alter transfer-data option, said alter transfer-data option including at least one of a reduce data-size option, an increase data-size option, a crop image option, a reduce image-resolution option, an increase image-resolution option, and a compress data option.

Burman et al teaches wherein said one or more transfer option fields include at least one of a perform transfer option, a cancel transfer option, a postpone transfer option, a change transfer-mode option, and an alter transfer-data option, said alter transfer-data option including at least one of a reduce data-size option, an increase data-size option, a crop image option, a reduce image-resolution option, an increase image-resolution option, and a compress data option (See page 4)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said one or more transfer option fields include at least one of a perform transfer option, a cancel transfer option, a postpone transfer option, a change transfer-mode option, and an alter transfer-data option, said alter transfer-data option including at least one of a reduce data-size option, an increase data-size option, a crop image option, a reduce image-resolution option, an increase image-resolution option, and a compress data option as taught by Burman et al in the claimed invention of Yano et al in order to determine transfer time for data, files, etc. sent or transmitted between devices connected to a computer network and the bandwidth between devices (See page 4, paragraph [0035]).

h. As per claims 9 and 29, Yano et al teaches wherein at least one of said system user, a software program, and an electronic entity initially begins said data transfer procedure by issuing a data transfer request to said source device (See page 2, paragraph [0011]).

i. As per claims 44, Yano et al teaches wherein said source device is implemented as a stand-alone digital still camera that performs said data transfer operations to transmit said transfer data to said destination device (See page 2, paragraph [0011]).

j. As per claim 45, Yano et al in view of Burman et al teaches the claimed invention as described above. However, Yano et al fails to teach wherein system user repeatedly utilizes said

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user interface of said source device to evaluate said transfer duration for each instance of said data transfer operation before allowing said source device to transmit said transfer data to said destination device.

Burman et al teaches wherein system user repeatedly utilizes said user interface of said source device to evaluate said transfer duration for each instance of said data transfer operation before allowing said source device to transmit said transfer data to said destination device (See page 4, paragraph [0035]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein system user repeatedly utilizes said user interface of said source device to evaluate said transfer duration for each instance of said data transfer operation before allowing said source device to transmit said transfer data to said destination device as taught by Burman et al in the claimed invention of Yano et al in order to determine transfer time for data, files, etc. sent or transmitted between devices connected to a computer network and the bandwidth between devices (See page 4, paragraph [0035]).

7. Claims 10-11 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S Patent Application No. 2003/0037158 to Yano et al in view of U.S. Patent Application No. 2001/0010059 to Burman et al and further in view of U.S. Patent No. 6,065,059 to Shieh et al as applied to claims 1 and 21 above, and further in view of U.S. Patent No. 5,774,583 to Sasaki et al.

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a. As per claims 10 and 30, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. However, Yano et al in view of Burman et al and further in view of Shieh et al fails to teach wherein a calculation module from said transfer manager responsively determines a data size value corresponding to said transfer data, said data size value being stored in transfer parameters of a local memory device.

Sasaki et al teaches wherein a calculation module from said transfer manager responsively determines a data size value corresponding to said transfer data, said data size value being stored in transfer parameters of a local memory device (See col. 19, lines 63-67 and col. 20, lines 1-6).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein a calculation module from said transfer manager responsively determines a data size value corresponding to said transfer data, said data size value being stored in transfer parameters of a local memory device as taught by Sasaki et al in the claimed invention of Yano et al in view of Burman et al and further in view of Shieh et al in order to provide an information reproducing (See col. 56-67).

b. As per claims 11 and 31, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. However, Yano et al in view of Burman et al and further in view of Shieh et al fails to teach wherein a bandwidth monitor from said transfer manager determines a transfer speed value for performing said data transfer procedure under current transfer conditions, said transfer speed value being stored in said transfer parameters of said local memory device.

Sasaki et al teaches wherein a bandwidth monitor from said transfer manager determines a transfer speed value for performing said data transfer procedure under current transfer conditions, said transfer speed value being stored in said transfer parameters of said local memory device (See col. 19, lines 63-67 and col. 20, lines 1-6).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein a bandwidth monitor from said transfer manager determines a transfer speed value for performing said data transfer procedure under current transfer conditions, said transfer speed value being stored in said transfer parameters of said local memory device as taught by Sasaki et al in the claimed invention of Yano et al in view of Burman et al and further in view of Shieh et al in order to provide an information reproducing (See col. 56-67).

8. Claims 13-17 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S Patent Application No. 2003/0037158 to Yano et al in view of U.S. Patent Application No. 2001/0010059 to Burman et al further in view of U.S. Patent No. 6,065,059 to Shieh et al as applied to claims 1 and 21 above view of U.S. Patent No. 5,774,583 to Sasaki et al as applied to claim 11 above, and further in view of J.P. Patent Application No. 09-060776 to Norio et al.

b. As per claims 13 and 33, Yano et al in view of Burman et al and further in view of Shieh in view of Sasaki et al teaches the claimed invention as described above. However, Yano et al in view of Burman et al and further in view of Shieh et al fails to teach Burman et al in view of

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Sasaki et al fails to teach wherein said source device transmits a bandwidth test packet to one of said communication path and said destination device, said one of said communication path and said destination device responsively returning an acknowledgement of said bandwidth test packet to source device, said bandwidth monitor of said transfer manager responsively calculating said transfer speed value based upon an elapsed test packet transfer time.

Norio et al teaches wherein said source device transmits a bandwidth test packet to one of said communication path and said destination device, said one of said communication path and said destination device responsively returning an acknowledgement of said bandwidth test packet to source device, said bandwidth monitor of said transfer manager responsively calculating said transfer speed value based upon an elapsed test packet transfer time (See detail description, paragraph [0003-0007]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said source device transmits a bandwidth test packet to one of said communication path and said destination device, said one of said communication path and said destination device responsively returning an acknowledgement of said bandwidth test packet to source device, said bandwidth monitor of said transfer manager responsively calculating said transfer speed value based upon an elapsed test packet transfer time as taught by Norio et al in the claimed invention of Yano et al in view of Burman et al and further in view of Shieh et al fails to teach Burman et al in view of Sasaki et al in order to calculate the transmission speed on a communication line and the number of transmit data (See detail description, paragraph [0007]).

c. As per claims 14 and 34, Yano et al in view of Burman et al and further in view of Shieh in view of Sasaki et al teaches the claimed invention as described above. However, Yano et al in view of Burman et al and further in view of Shieh et al fails to teach Burman et al in view of Sasaki et al fails to teach wherein said calculation module from said transfer module calculates a transfer time value corresponding to said transfer duration, said transfer time value being stored in said transfer parameters of said local memory device.

Norio et al teaches wherein said calculation module from said transfer module calculates a transfer time value corresponding to said transfer duration, said transfer time value being stored in said transfer parameters of said local memory device (See detail description, paragraph [0003-0007]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said calculation module from said transfer module calculates a transfer time value corresponding to said transfer duration, said transfer time value being stored in said transfer parameters of said local memory device as taught by Norio et al in the claimed invention of Yano et al in view of Burman et al and further in view of Shieh et al fails to teach Burman et al in view of Sasaki et al in order to calculate the transmission speed on a communication line and the number of transmit data (See detail description, paragraph [0007]).

d. As per claims 15 and 35, Yano et al in view of Burman et al and further in view of Shieh in view of Sasaki et al teaches the claimed invention as described above. However, Yano et al in view of Burman et al and further in view of Shieh et al fails to teach Burman et al in view of Sasaki et al fails to teach wherein said calculation module calculates said transfer time value

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according to a formula: $\text{Transfer Time Value} = \text{Data Size Value} / \text{Transfer Speed Value}$ where said Transfer Time Value is an amount of time required to complete said data transfer operation in seconds, said Data Size Value is a size of said transfer data in bits, and said Transfer Speed Value is a bandwidth of said communication path for said data transfer operation in bits per second.

Norio et al teaches wherein said calculation module calculates said transfer time value according to a formula: $\text{Transfer Time Value} = \text{Data Size Value} / \text{Transfer Speed Value}$ where said Transfer Time Value is an amount of time required to complete said data transfer operation in seconds, said Data Size Value is a size of said transfer data in bits, and said Transfer Speed Value is a bandwidth of said communication path for said data transfer operation in bits per second (See detail description, paragraph [0022]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said calculation module calculates said transfer time value according to a formula: $\text{Transfer Time Value} = \text{Data Size Value} / \text{Transfer Speed Value}$ where said Transfer Time Value is an amount of time required to complete said data transfer operation in seconds, said Data Size Value is a size of said transfer data in bits, and said Transfer Speed Value is a bandwidth of said communication path for said data transfer operation in bits per second as taught by Norio et al in the claimed invention of Yano et al in view of Burman et al and further in view of Shieh et al fails to teach Burman et al in view of Sasaki et al in order to calculate the transmission speed on a communication line and the number of transmit data (See detail description, paragraph [0007]).

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e. As per claims 16 and 36, Yano et al in view of Burman et al and further in view of Shieh in view of Sasaki et al teaches the claimed invention as described above. However, Yano et al in view of Burman et al, further in view of Shieh et al and further in view of Sasaki et al fails to teach wherein said system user authorizes said source device to perform said data transfer operation whenever said transfer time value is acceptable under said current conditions.

Norio et al teaches wherein said system user authorizes said source device to perform said data transfer operation whenever said transfer time value is acceptable under said current conditions (See detail description, paragraph [0003-0007]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said system user authorizes said source device to perform said data transfer operation whenever said transfer time value is acceptable under said current conditions as taught by Norio et al in the claimed invention of Yano et al in view of Burman et al, further in view of Shieh et al and further in view of Sasaki et al in order to calculate the transmission speed on a communication line and the number of transmit data (See detail description, paragraph [0007]).

f. As per claims 17 and 37, Yano et al in view of Burman et al and further in view of Shieh in view of Sasaki et al teaches the claimed invention as described above. However, Yano et al fails to teach wherein said system user interactively utilizes one or more transfer options that are presented by said source device on a user interface to thereby optimize said data transfer operation under said current conditions (See page 7, paragraph [0076- 0079]).

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Burman et al teaches wherein said system user interactively utilizes one or more transfer options that are presented by said source device on a user interface to thereby optimize said data transfer operation under said current conditions (See page 7, paragraph [0076- 0079]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said system user interactively utilizes one or more transfer options that are presented by said source device on a user interface to thereby optimize said data transfer operation under said current conditions as taught by Burman et al in the claimed invention of Yano et al in order to in order to determine transfer time for data, files, etc. sent or transmitted between devices connected to a computer network and the bandwidth between devices (See page 4, paragraph [0035]).

h. As per claim 19 and 39, Yano et al in view of Burman et al, further in view of Shieh et al and further in view of Sasaki et al teaches the claimed invention as described above. However, Yano et al fails to teach wherein said transfer manager repeatedly recalculates and displays said transfer parameters on said user interface to thereby allow said system user to optimize said data transfer operation under said current conditions.

Burman et al teaches wherein said transfer manager repeatedly recalculates and displays said transfer parameters on said user interface to thereby allow said system user to optimize said data transfer operation under said current conditions (See page 4).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said transfer manager repeatedly recalculates and displays said transfer parameters on said user interface to thereby allow said system user to optimize said data

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transfer operation under said current conditions as taught as taught by Burman et al in the claimed invention of Yano et al in order to determine transfer time for data, files, etc. sent or transmitted between devices connected to a computer network and the bandwidth between devices (See page 4, paragraph [0035]).

9. Claims 20 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0037158 to Yano et al in view of U.S. Patent Application No. 2001/0010059 to Burman et al and further in view of U.S. Patent No. 6,065,059 to Shieh et al as applied to claims 1 and 21 above, and further in view of U.S. Patent No. 6,078,919 to Ginzburg et al.

a. As per claim 20 and 40, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. However, Yano et al in view of Burman et al and further in view of Shieh et al fails to teach wherein said system user specifies an optimal value for said transfer duration under current conditions, said transfer manager automatically altering said transfer data using available transfer options to thereby permit said source device to perform said data transfer operation using said optimal value for said transfer duration.

Ginzburg et al teaches wherein said system user specifies an optimal value for said transfer duration under current conditions, said transfer manager automatically altering said transfer data using available transfer options to thereby permit said source device to perform said

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data transfer operation using said optimal value for said transfer duration (See col. 1, lines 56-67 and col. 2, lines 1-16).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein said system user specifies an optimal value for said transfer duration under current conditions, said transfer manager automatically altering said transfer data using available transfer options to thereby permit said source device to perform said data transfer operation using said optimal value for said transfer duration as taught by Ginzburg et al in the claimed invention Yano et al in view of Burman et al and further in view of Shieh et al in order to deliver data over a wide variety of different types of network which are protocol independent and transport medium independent (See col. 1, lines 48-53).

10. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S Patent Application No. 2003/0037158 to Yano et al in view of U.S. Patent Application No. 2001/0010059 to Burman et al and further in view of U.S. Patent No. 6,065,059 to Shieh et al as applied to claims 1 and 21 above, and further in view of in view of U.S. Patent 6,512,778 to Jones et al.

a. As per claim 41, Yano et al in view of Burman et al and further in view of Shieh et al teaches the claimed invention as described above. However, Yano et al in view of Burman et al and further in view of Shieh et al fails to teach the step of entering a hint mode wherein said transfer manager provides one or more transfer options for performing said data transfer operation, and wherein a hint subroutine responsively generates at least one of a transfer

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recommendation and a transfer explanation for said data transfer operation, said hint subroutine being activated by at least one of a system user action and an automatic initiation event from said source device.

Jones et al teaches the step of entering a hint mode wherein said transfer manager provides one or more transfer options for performing said data transfer operation, and wherein a hint subroutine responsively generates at least one of a transfer recommendation and a transfer explanation for said data transfer operation, said hint subroutine being activated by at least one of a system user action and an automatic initiation event from said source device (See col. 16, lines 47-67 col. 17, lines 1-16).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the step of entering a hint mode wherein said transfer manager provides one or more transfer options for performing said data transfer operation, and wherein a hint subroutine responsively generates at least one of a transfer recommendation and a transfer explanation for said data transfer operation, said hint subroutine being activated by at least one of a system user action and an automatic initiation event from said source device as taught by Jones in the claimed invention of Yano et al in view of Burman et al and further in view of Shieh et al in order to process media data for transmission in a data communication medium (See col. 6, lines 37-48).

Allowable Subject Matter

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Claims 12, 18, 32 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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